

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE MIGUEL RIOS,

Plaintiff,

v.

ORTIZ,

Defendant.

Case No. 1:23-cv-01595-HBK (PC)

ORDER REFERRING CASE TO EARLY
ADR AND STAY OF CASE

DEADLINE TO OPT OUT DUE BY:

NOVEMBER 19, 2024

Plaintiff Jose Miguel Rios a pretrial detainee is proceeding pro se and *in forma pauperis* on his original Complaint brought pursuant to 42 U.S.C. § 1983 as screened. As set forth in the Court's February 9, 2024 Screening Order, Plaintiff's Complaint stated only a cognizable Fourteenth Amendment excessive use of force claim against Defendant Ortiz on which Plaintiff agrees to proceed. (Doc. Nos. 5-7). On September 16, 2024, Defendant filed an Answer to the First Amended Complaint. (Doc. No. 15).

Prior to issuing a discovery and scheduling order, the Court refers all civil rights cases filed by pro se individuals to early Alternative Dispute Resolution (ADR) to try to resolve such cases more expeditiously and less expensively. *See also* Local Rule 270. No claims, defenses, or objections are waived by the parties' participation. Further, attempting to resolve this matter early through settlement now would save the parties the time and expense of engaging in lengthy

1 and costly discovery and preparing substantive dispositive motions.

2 The Court therefore will STAY this action for no more than 60 DAYS to allow the parties
3 an opportunity to investigate Plaintiff's claims, meet and confer, and engage in settlement
4 discussions, or agree to participate in an early settlement conference conducted by a magistrate
5 judge. If after investigating Plaintiff's claims and meeting and conferring, either party finds that a
6 settlement conference would be a waste of resources, the party may opt out of the early settlement
7 conference. The Court will then enter a discovery and scheduling order so this case may proceed.

8 Accordingly, it is **ORDERED**:

9 1. This action will remain **STAYED until further order** to allow the parties an
10 opportunity to settle their dispute. The parties may not file any pleadings or motions during the
11 stay period. Further, the parties shall not engage in formal discovery until the Court issues a
12 Scheduling and Discovery Order.

13 2. No later than **November 19, 2024**, the parties shall file a notice if they object to
14 proceeding to an early settlement conference or if they believe that settlement is not currently
15 achievable.

16 3. If neither party has opted out of settlement by the expiration of the objection
17 period, the Court will assign this matter by separate Order to a United States Magistrate Judge,
18 other than the undersigned, for conducting the settlement conference.

19 4. If the parties reach a settlement prior to the settlement conference, they SHALL
20 file a Notice of Settlement as required by Local Rule 160.

21
22 Dated: September 19, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE